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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,766

04/06/2006

Martin Albrecht

CO/25-22960/A/PCT

2527

324 7590 03/16/2009

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EXAMINER

LEE, DORIS L

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

1. Applicants' amendment filed February 27, 2009 has been fully considered; however, the amendment has not been entered given that it raises other new issues that would require further consideration and/or search.

With respect to new issues, independent claim 1 and independent claim 15 have been amended to include specific binders. It is the examiner's position that this is a new issue since this combination was not presented before, i.e., claims dependent on 1 and 15 were not presented before with this combination. Therefore, the amendment would require further consideration and/or search.

In the interest of better enabling the applicants to assess the patentability of their claims, the following advisory is given:

If the amendment has been entered, 112 rejection set forth in paragraph 5 against claims 15 and 16 of the office action mailed on November 24, 2008, would have been withdrawn in light of the amendments.

If the amendment had been entered, the rejections over Weinberger would be maintained because Weinberger still reads on the amended claim. For instance, the present claims have been amended to teach that the binder can be an acrylic copolymer resin. Weinberger teaches an acrylic copolymer resin as an "acrylic-modified polyester resin" in col. 3, lines 45-50.

If the amendment had been entered, the rejections over Weinberger and Das would be maintained. Applicants argue that all the examples of Das prepare acidic silica materials and that the present application is drawn to basic silica materials. It is

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noted that in col. 9, lines 30-40, Das teaches that an approach using a base is also appropriate.

Regarding the applicant's argument that none of the references teach the advantage of the silica particles as taught by the present invention, it is noted that new advantages or properties of old compositions are not considered to be patentable.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doris L. Lee whose telephone number is (571)270-3872. The examiner can normally be reached on Monday - Thursday 7:30 am to 5 pm and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Doris L Lee/
Examiner, Art Unit 1796

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1796